

REMARKS

The Final Office Action mailed December 15, 2005 and references cited therein have been reviewed. Applicants have amended claims 1, 4, 11, 29, 32, 37, and 62 by this amendment.

ALLOWED CLAIMS

The Examiner indicated that claims 3, 5, 7, 8, 19, 25, 26, 28, 31, 33, 34, 59, 60, and 65-67 are allowed.

The Examiner also indicated that claims 4, 6, 12, 13, 32, and 38 are objected, but would be allowable if placed in independent form. Applicants have amended claims 4 and 32 to convert these claims into dependent form. Claims 6, 12, 13, and 20-22 directly or ultimately depend on claim 4, thus are now in allowable form. Claims 38, 43, 47, and 55 which depend on claim 32 are also in allowable form.

Applicants have amended claims 17 and 42 to change the dependency of such claims so as to depend on allowed claims. Applicants submit that claims 17 and 42, 45 and 46 are now in allowable form.

Applicants submit that in view of the amendments to the claims, claims 3-8, 12, 13, 17, 19, 19-22, 25, 26, 28, 31-34, 38, 42-48, 50, 52, 55, 56, 59, 60 and 65-67 are in allowable form.

THE SECTION 103 REJECTION

Claims 1, 2, 23, 24, 27-30, 49-51, 57, 58, 62-64, and 72-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 2661118. Claims 15, 16, 40, 41, 61 and 75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 2661118 in view of Cordora. Claims 11, 37 and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 2661118 in view of Moll. Claims 14, 39, 69 and 70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 2661118 in view of Moll and Cordora.

Independent claims 1, 29 and 62 have been amended to include the limitation that the tube has a non-uniform weight distribution. The French reference does not disclose, teach or suggest such a tube design. For at least this reason, independent claims 1, 29 and 62 are allowable over the teachings of the French reference.

The Examiner asserted that the French reference does not disclose or teach the use of a flexible tube; however, the Examiner asserted that the use of a flexible tube would be obvious. The Examiner also asserted that a curved tube would also have been obvious in view of the French reference. Applicants disagree. When the tube is flexible, factors such as tube durability, wear, rigidity, friction, etc. have to be more carefully considered to achieve the floating effect of the tube. These considerations also come into play when the tube is curved. The French reference does not include any disclosure or teaching that would suggest to one skilled in the art that tube 3 disclosed in the French reference could be a curved and/or a flexible tube. Applicants submit claims 1, 27-29, 49, 50, 62 and 76 are not obvious in view of the French reference for at least this additional reason.

The Examiner asserted that the claims that include the terms “liner” and “welding wire” in the claim preamble do not patentably distinguish such claims from the prior art. Claim 29 is directed to a container of welding wire. Applicants submit that claim 29 includes limitations in the preamble that distinguish such claims from the teachings in the French reference that are directed to the manufacture of metal springs.

The Examiner asserted that the French reference discloses a retainer ring positioned on the top surface of the wire layers. Applicants disagree. The French reference disclosed in Figure 1 that vertical uprights 6 maintain disc 4 above the surface of the wire as the wire is paid-out from the container. As such, the French reference does not disclose teach or suggest the limitations of claims 53, 54, 63 and 73.

The Examiner cited Cordora in combination with the French reference to support a rejection of a tube that has a low friction material. Cordora is non-analogous art. Cordora is directed to a conduit cable. Cordora has no teachings with regard to a tube that is designed to allow wire to move through the tube. Applicants submit that one skilled in the art would not look to the teachings of Cordora to solve any problem associated with the pay-out of wire from a container. Applicants submit that Cordora cannot be properly combined with the French reference to support a rejection of any of the pending claims.


The Examiner cited Cordora and Moll in combination with the French reference to support a rejection of a tube having a beveled opening or a beveled opening that includes a low friction material. Claims 11, 37 and 68 require the beveled opening to have a cross-sectional area that is less than a cross sectional area of the passageway in the tube. The bevel disclosed in Moll has a wider opening, thus teaches a beveled region that is contrary to the limitations of claims 11, 37 and 68. In addition, Cordora is non-analogous art as discussed above, thus cannot be properly combined with the French reference and/or Moll to support a rejection of any of the pending claims.

Applicants submit that all the claims pending in the above-identified patent application are in allowable form.

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